

REMARKS

I. Rejections Under 35 USC § 102

Claims 9, 10, 40-43, 48, 52 and 53 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,984,886 to Miller. In view of the above-requested amendments to the claims, Applicants respectfully traverse the rejection.

The Examiner takes the position in the Office action that Miller discloses sets of protrusions 31 disposed on the side panels of the support belt. Claim 9 and claim 14 have been amended to provide with respect to such protrusions that they are sized and placed to apply pressure “at multiple recognizably separate points” along the side of the body. This is exactly the opposite of what is required by the Miller reference. Specifically, in Miller, the protrusions overlap (see Fig. 5) “to improve the conformity of belt to the exact dimensions of the body of the wearer.” Col. 6, lines 18-20 of Miller.

The required multiple protrusions of the present claims providing pressure “at multiple recognizable separate points” along the sides of the human body would correspond to Miller **only if the sides of the human being had a plurality of indentations** into which the protrusions would fit, so as to provide the “conformity of belt to the exact dimensions of the body of the wearer” required by Miller.

The present independent claims, claims 9 and 40, are therefore, structurally and functionally distinct from Miller. In fact, Miller teaches away from the invention of these claims, as shown by the portion quoted above.

For all these reasons claims 9, 10, 40-43, 48, 52 and 53 are allowable over Miller.

II. Rejections Under 35 USC § 103:

Claims 11, 13, 44 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,984,885 to Miller. With respect to this rejection, the Examiner takes the position that the multiple protrusions of the present invention are merely a “change in size” and hence not patentable.

As explained above, the protrusions of the present claim are not merely of a different size. They are separated from each other for a purpose, and therefore cannot conform to the body of the wearer as required by Miller.

These claims are, therefore, allowable for substantially the same reasons as claims 9, 40, and the claims that depend therefrom, as explained above.

Claim 12 is rejected over Miller in view of Brossard. Claim 12 relates back to claim 9 and is allowable therewith. Furthermore, given the purpose of Miller—to conform the belt to the human wearer, the combination suggested by the Examiner is inconsistent with the Miller reference and would not be made.

III. Conclusion

In view of the foregoing requested amendments, it is submitted that independent Claims 9 and 40 are now in condition for allowance over the art, whether considered alone or in combination, as the specific combination of structural features presently claimed is neither taught nor suggested thereby. Further, Claims 10 – 14 and 41 – 53 are also deemed to be in condition for allowance, as featuring patentable limitations on respective allowable independent claims.

Although withdrawn from consideration, in view of the Restriction Requirement, it is respectfully requested that Claims 1 – 8 and 15 -39 be permitted to remain in the

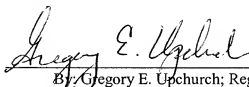
application for possible prosecution later as a continuation application. Applicants respectfully submit that the independent claims are allowable over the prior art of record, including the cited references. For similar reasons, and for the additional reasons set forth above, Applicants urge that the dependent claims are also allowable.

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

No new matter has been introduced by the above-requested amendments. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided below.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,

A handwritten signature in cursive script, reading "Gregory E. Upchurch", is written over a horizontal line.

By: Gregory E. Upchurch; Reg. No. 28,482
Husch & Eppenger, LLC
190 Carondelet Plaza
St. Louis, MO 63105
314-480-1500
314-480-1505 FAX